

July 14, 2004

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Second State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: House Bill No. 1765, H.D.1, S.D.1, C.D.1

On July 13, 2004, House Bill No. 1765, entitled "A Bill for an Act Relating to Government Boards, Commissions, and Agencies," became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill requires the term of a member of certain boards, commissions, or agencies to expire upon the failure of the member, without valid excuse, to attend three consecutive meetings and where, due to the member's absence, the board failed to have a quorum and thus could not conduct its business. The bill allows the board chair or the chair's designee to determine if the board member had a valid excuse for the absence.

I support the general intent of this bill to encourage individuals who have agreed to serve as board members to take their board membership seriously by attending the board's meetings. However, I have several concerns that are raised, but not answered, by the bill. The bill does not provide standards for deciding what is an excusable absence. It leaves that determination entirely to the discretion of the board chair or the chair's designee. As a consequence, this bill may be unevenly applied to the various boards and commissions that conduct the State's business.

Moreover, the bill does not provide a mechanism or process for notifying the board member that the member's appointment is in jeopardy or has expired, nor does it provide a mechanism for notifying the Governor of a vacancy in a timely manner. Finally, I am concerned as to the effectiveness of the bill. If the purpose is to encourage attendance at board meetings, then it should not be relevant whether the three consecutive absences result in lack of a quorum. Three consecutive absences may indicate a lack of interest on the member's part, even if the board is able to conduct its business in the member's absence.

Therefore, I allowed House Bill No. 1765, H.D.1, S.D.1, C.D.1 to become law as Act 234, effective July 13, 2004, without my signature.

Sincerely,

LINDA LINGLE